

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.9687 OF 2011

ORDER:

1. This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/Accused Nos.1, 2, 4, 7, 8 and 10 seeking to quash the proceedings in C.C. No.7 of 2010, on the file of the Court of Judicial I Class Magistrate, Prathipadu, East Godavari District, registered for the offences punishable under Sections 307, 326, 147, 148, 427, 447 and 506(2) R/w.149 of I.P.C.

2. Heard learned counsel for the petitioners, learned Public Prosecutor appearing for the 1st respondent – State, and learned counsel for the 2nd respondent – *de-facto* complainant.

3. The only grievance of the petitioners is that the Magistrate has taken cognizance of the case without following the procedure prescribed under Section 200 of Cr.P.C. *i.e.*, without examining the complainant.

4. A perusal of the docket order shows that the Magistrate did not comply with the procedure prescribed under Section 200 of Cr.P.C.

5. Hence, this Court opines that the ends of justice would be met, if the matter is remitted to the lower Court with a direction to the learned Magistrate to follow the procedure prescribed under Section 200 of Cr.P.C., before taking cognizance of the case, by setting-aside docket order, dated 08.01.2010, in C.C. No.7 of 2010.

6. Accordingly, with the above direction, the Criminal Petition is allowed in part.

7. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

T. RAJANI, J

Date: 24.10.2018.
Dsh



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Date. 24.10.2018

DSH